

REMARKS

In response to the Office Action dated May 28, 2009, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 2-12, 15, and 23-30 are pending in this application. Claims 13-14 and 16-22 were previously withdrawn from consideration by restriction and now canceled. Claim 1 was previously canceled. Claims 24-30 are newly presented and replace the canceled claims.

Allowable Subject Matter

The Office indicates that claims 23 and 27-30 would be allowable if rewritten to overcome a § 101 rejection (described below). These claims have been amended and are believed to fully comply with the patent laws. The Assignee thus respectfully believes claims 23 and 27-30 are in a condition for allowance.

Independent claims 12 and 23 recite similar features as independent claim 23. The Assignee thus respectfully believes that independent claims 12 and 23 are also in a condition for allowance.

Claims 2-11 depend from independent claim 12. Claims 24-26 depend from independent claim 15. These claims thus incorporate features that are similar to allowable independent claim 23. The Assignee thus respectfully believes that claims 2-11 and 24-26 are also in a condition for allowance.

Substitute Abstract

The Office objected to the Abstract. A substitute Abstract is submitted herewith to replace the originally-filed Abstract.

Objection to Claims 2-11

The Office objected to the preamble of claims 2-11. These claims have been amended as Examiner Nelson instructs.

Rejection of Claims under § 112

The Office rejected claims 2-12, 15, and 24-26 under 35 U.S.C. § 112, first paragraph, for allegedly failing the enablement requirement. The test of enablement is whether “undue experimentation” is needed to make or use the invention. DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2164.01 (Rev. 1, Feb. 2003) (hereinafter “M.P.E.P.”). A specification that teaches an invention in terms which correspond in scope to the terms of the claims must be enabling. *See* M.P.E.P. at § 2164.04.

The Office, in particular, asserts that the “*negotiating*,” “*accessing*,” “*determining*,” “*grouping*,” and “*subcontracting*” features recited by the independent claims may not be necessary.

The Assignee, very respectfully, disagrees. The request for the communications service is declined when “*the user will not pay on-time and in-full.*” If “*the user will pay on-time and in-full,*” then the “*negotiating*,” “*accessing*,” “*determining*,” “*grouping*,” and “*subcontracting*” features are performed. The Assignee thus asserts that no “undue experimentation” is needed. The Office is respectfully requested to remove this rejection.

Rejection of Claims under § 101

The Office rejected claims 23 and 27-30 under 35 U.S.C. § 101 for claiming non-statutory subject matter. The preamble of independent claim 23 has been amended to recite a “*machine*,” and the body recites a processor, memory, and code. The Assignee thus respectfully asserts that claims 23 and 27-30 fully comply with § 101 and recent Federal Circuit decisions.

Rejection of Claims 2-6, 9, 12, 15 & 24-26

The Office rejected claims 2-6, 9, 12, 15, and 24-26 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent 5,862,471 to Tiedemann, Jr., *et al.* in view of William Greene, *Sample Selection in Credit-Scoring Models*, JAPAN AND THE WORLD ECONOMY 10, 299-316 (1998), and further in view of U.S. Patent Application Publication 2004/0132449 to Kowarsch.

These claims, though, are not obvious over *Tiedemann, Green, and Kowarsch*. These claims recite, or incorporate, features that are not disclosed or suggested by the proposed combination of *Tiedemann, Green, and Kowarsch*. Independent claim 12, for example, recites “determining a subcontracted processing service is required from a different service provider” and “grouping together individual packets of data that require the subcontracted processing service as a new segment.” Independent claim 12 also recites “subcontracting the new segment to the different service provider to receive the subcontracted processing service” and “receiving a subcontracted result of the subcontracted processing service.” Independent claim 15 recites similar features.

These features are allowable. Independent claim 23 recites similar features, and the Office indicates that claim 23 is allowable. Because the Office concedes that *Tiedemann, Green, and Kowarsch* is silent to at least these features, one of ordinary skill in the art would not think that independent claims 12 and 15 are obvious. Dependent claims 2-6, 9, and 24-26 incorporate these features, so these dependent claims are, likewise, not obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Rejections of Remaining Claims 7-8 under § 103

Claims 7-8 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Tiedemann, Green, and Kowarsch* and further in view of U.S. Patent 5,771,282 to Friedes.


Claim 10 was rejected under 35 U.S.C. § 103 (a) as being obvious over *Tiedemann*, *Green*, and *Kowarsch* and further in view of U.S. Patent Application Publication 2007/0112948 to Uhlik.

Claim 11 was rejected under 35 U.S.C. § 103 (a) as being obvious over *Tiedemann*, *Green*, and *Kowarsch* and further in view of U.S. Patent 7,043,225 to Patel, *et al.*

These claims, though, depend from independent claim 12, which recites similar features as allowable independent claim 23. Because the combined teaching of *Tiedemann* with *Green*, *Kowarsch*, *Friedes*, and/or *Patel* is silent to all the claimed features, one of ordinary skill in the art would not think that independent claim 12, and dependent claims 7-8 and 10-11, are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

Scott P. Zimmerman
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